



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

**REGION 8
999 18TH STREET - SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>**

July 1, 2004

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7003 2260 0001 7778 6318

John D. Pallesen, Chair
Sweetwater County Commissioners
P.O. Box 730
Green River, Wyoming 82935

Re: Emergency Administrative
Order under Section 1431 SDWA
Docket No. **SDWA-08-2004-0033**

Dear Mr. Pallesen:

Pursuant to Section 1414(a)(2)(B) of the 1996 amendments to the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.

An Emergency Administrative Order is being issued under Section 1431 of the SDWA to the Sinclair Oil Corporation for the Little America Water System in Little America, Wyoming. The Order is based on turbidity measurements of the finished water exceeding the maximum allowable turbidity. Turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms, including bacteria, viruses, and parasites. These contaminants present in the water system may pose an imminent and substantial health endangerment to persons served by the system.



A copy of this Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Olive Hofstader at (800) 227-8917 X6467.

Sincerely,

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
And Environmental Justice

Enclosure



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July 1, 2004

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7003 2260 0001 7778 6325

Sinclair Oil Corporation
Corporation Service Company
1821 Logan Avenue
Cheyenne, Wyoming 82001

R.E. Holding, President
Sinclair Oil Corporation
P.O. Box 1529
Cheyenne, Wyoming 82003

RE: Emergency Administrative
Order under Section 1431 SDWA
Docket No. **SDWA-08-2004-0033**
PWS ID #5600097

Dear Mr. Holding:

Enclosed is an Emergency Administrative Order ("Order") issued by the U.S. Environmental Protection Agency ("EPA") under section 1431 of the Safe Drinking Water Act ("Act"), 42 U.S.C. § 300i. On June 29 and 30, 2004, the Little America public water supply system exceeded the maximum turbidity level allowed. Turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms, including bacteria, viruses, and parasites. These contaminants present in the water system may pose an imminent and substantial health endangerment to persons served by the system.

Pursuant to its authority set forth at section 1431 of the Act, 42 U.S.C. § 300i, EPA is authorized to take whatever actions necessary to protect human health. This Order and the requirements set forth herein are necessary to ensure adequate protection of public health based on EPA's primary enforcement responsibility for the Safe Drinking Water Act in the State of Wyoming.



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The enclosed Order sets forth the compliance actions that the Sinclair Oil Corporation ("Sinclair") must take to ensure that the people served by the Little America water system are provided with safe drinking water. The penalties for failing to comply are set forth in the Order.

EPA is committed to working with Sinclair, Little America and the State of Wyoming to ensure the safety of the system's water supply. If you have any questions or wish to discuss this Order, please contact Olive Hofstader, Environmental Protection Specialist, at (800) 227-8917 X6467 or Michelle Jalazo, Enforcement Attorney, at (800) 227-8917 x6921.

Sincerely,

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure

cc: Dave Mortensen, General Manager
Larry Robinson, Wyoming Department of Environmental Quality
Dr. Karl Musgrave, Wyoming Department of Health
Laurie Leis, Wyoming Department of Agriculture

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF)	
)	
Sinclair Oil Corporation)	
Sinclair, Wyoming 82334)	
PWS ID # 5600097)	
)	
Respondent)	EMERGENCY
)	ADMINISTRATIVE ORDER
Proceedings under Section 1431)	
of the Safe Drinking Water Act,)	
42 U.S.C. § 300i)	Docket No. SDWA-08-2004-0033
)	

I. STATUTORY AUTHORITY

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by section 1431 of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300i, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

II. JURISDICTION

- A. EPA has jurisdiction to issue emergency orders pursuant to section 1431 of the Act, 42 U.S.C. § 300i.
- B. EPA has primary enforcement responsibility for the Act in the State of Wyoming.

III. FINDINGS

- A. The Sinclair Oil Corporation ("Respondent") is a corporation under the laws of the State of Wyoming as of February 9, 1976 and is therefore a "person" within the meaning of section 1401(12) of the Act, 42 U.S.C. § 300f(12) and 40 C.F.R. § 141.2.

- B. Respondent owns and/or operates the Little America Public Water System (the "System") located in Sweetwater County, Wyoming, for the provision to the public of piped water for human consumption.
- C. The Little America Public Water System has at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is therefore a "public water system" within the meaning of section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "community water system" within the meaning of 40 C.F.R. § 141.2.
- D. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of part B of the Act, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. part 141.
- E. According to an August 15, 2002, sanitary survey conducted by an agent of EPA, Respondent operates a system that is supplied solely by surface water sources consisting of Hams Fork River and Green River. The system serves an average of 2000 persons daily through 50 service connections.
- F. EPA has determined that the water source currently available to the System may present an imminent and substantial endangerment to the health of persons based on finished water turbidity measurements exceeding 5 Nephelometric Turbidity Units (NTUs) on June 29, 2004. 40 C.F.R. § 141.73 specifies that the turbidity level of representative samples of a system's filtered water must at no time exceed 5 NTUs,

applicable to public water systems that use a surface water source. The treatment system at the Little America near Green River suffered an upset due to extremely high turbidity in the source water. Additional turbidity measurements at a tap in the restaurant gave a value of 14 NTUs on June 30, 2004. In addition, there was no measurable chlorine residual in the tap sample. The 400,000 gallon storage tank received an unknown amount of the extremely poor quality water. Based on the above-referenced conditions at the System, the water may be positive for total coliform and fecal coliform, and may contain E coli, Giardia, and Cryptosporidium, all of which present an imminent and substantial endangerment to human health.

- G. There have been no State or Local actions in response to this potential threat to public health. This Order and the requirements set forth herein are necessary to ensure adequate protection of public health based on EPA's primary enforcement responsibility for the Act in Wyoming.
- H. Prior to issuing this Order, EPA consulted with State and local authorities to confirm the information on which this Order is based and to ascertain if the authorities are taking any action.
- I. By issuing this Order, EPA seeks to protect public health.

IV. ORDER

Based on the foregoing Findings, and pursuant to section 1431 of the Act, IT IS ORDERED:

A. INTENT TO COMPLY

Within 24 hours of receipt of this Order, Respondent shall notify EPA in writing of its intention to comply with the terms of this Order. The written response shall include a general plan for compliance with each of the elements of this Order.

B. BOIL ORDER

Until further notified by EPA, all water from the Little America water system used for human consumption, e.g. drinking, brushing teeth, cooking, making ice and washing dishes, shall be boiled for at least one (1) minute, at a rolling boil, before use. All stored water, drink or ice made recently from this supply shall be discarded.

C. ALTERNATIVE WATER SUPPLY

Upon the effective date of this Order, Respondent shall notify all water users of the Little America Water System that an alternative water supply is available. The alternative water supply shall meet the federal standards set forth in the National Primary Drinking Water Regulations, and must be made available at no cost as needed for human consumption until Respondent receives notification from EPA that alternative water is no longer necessary. Respondent shall provide a sufficient quantity of water for reasonable domestic uses, at a minimum, two liters daily, for each person at each service connection.

D. COMPLIANCE MEASURES

1. Immediately upon receipt of this Order, Respondent shall add chlorine to the storage tank until water leaving the tank has a free chlorine residual of at least 3.0 milligrams per liter (mg/l). Respondent shall maintain this chlorine residual level while the water is being used for showering and hand washing until notified in writing by EPA that this level of chlorination is no longer required.
2. Respondent shall monitor and record chlorine residual daily of the water leaving the storage tank to ensure at least a 3.0 mg/l chlorine residual. The daily chlorine residual measurements shall be reported to EPA daily by fax or email, until notified by EPA that this is no longer required.
3. Immediately upon receipt of this Order, Respondent shall order equipment to repair the raw water continuous turbidimeter. In the interim, Respondent shall obtain a portable turbidimeter to monitor raw water (river) turbidity. Raw water (river) turbidity must be monitored and recorded continuously by the raw water turbidimeter after it is repaired. Interim raw water (river) turbidity must be monitored by the portable turbidimeter at least once every 4 hours. Turbidity measurements shall be reported to EPA daily by fax or email, until notified by EPA that this is no longer required.
4. Respondent shall not operate the filter plant until the raw water turbidity to the plant drops to 3 NTU or less.
5. When raw water turbidity is 3 NTU or less for at least 4 hours, Respondent shall perform the following:

- a. Backwash all pressure sand filters (3 primary and 2 secondary filters) per manufacturer's recommendations.
- b. After backwash is complete, run the filtration plant in normal operation, but send the filtered water to waste only. This must continue until the filtered water turbidity from the clearwell is less than 0.5 NTU for more than 4 hours. Only after the filtered water has achieved this level of turbidity for more than 4 hours may the filtered water be sent to the storage tank/distribution system to implement a unilateral flushing program to provide the <0.5 NTU, highly chlorinated water to all distribution lines and the storage tank.
- c. When filtered water is sent to the storage tank/distribution system, increase chlorine dosage at the clearwell to 3 mg/L free chlorine. When the water leaving the storage tank is at <0.5 NTU and 3 mg/L chlorine and all distribution lines have been filled with this water, let the water stand in the distribution system for 12 hours.
- d. Reduce the chlorine dose to the clearwell to normal

conditions (at least 1.0 mg/L) after this 12-hour period.

- e. After 12 hours, flush taps in every hotel room, sinks in restaurants, travel center, hydrants, and each home in the community. Do not discharge highly chlorinated water to wetlands, any water body or drainage ditch.
- f. After Respondent achieves measures contained in 5.a-e. above and filter plant has produced water <0.5 NTUs for 24 hours, Respondent shall conduct bacteriological monitoring as follows:
 - i. Respondent shall collect a minimum of 12 special purpose total coliform samples to determine compliance with the maximum contaminant level (“MCL”) for total coliform bacteria as stated in 40 C.F.R. § 141.63. One sample from each hotel lodge building (5), 2 samples from the travel center, 2 samples from the main building and the restaurant, and 3 samples from various community homes or apartments. Respondent shall report analytical results,

via phone or fax, to EPA immediately upon receiving the results.

- ii. Following a day of twelve total coliform negative sample results, EPA will notify Respondent that daily total coliform sampling is no longer required.
- iii. Thereafter, Respondent shall comply with all total coliform monitoring requirements for community water systems found at 40 C.F.R. § 141.21 to determine compliance with the MCLs as stated in 40 C.F.R. § 141.63. Respondent shall report all bacteriological analytical results to EPA within 10 days of the end of each monitoring period, as required by 40 C.F.R. § 141.31(a).

- 6. The filter plant must be attended at all times when operating and producing water to the storage tank or distribution system.
- 7. Respondent shall shut the treatment plant down immediately if raw water (river) turbidity exceeds 3 NTU, as monitored pursuant to paragraph 3 above.

E. PUBLIC NOTICE

- 1. No later than 24 hours of receipt of this Order, Respondent shall provide public notice to persons served by the water system. This public notice shall

be given in one or more of the following forms of delivery: (1) Appropriate broadcast media (such as radio and television); (2) Posting of the notice in conspicuous locations throughout the area served by the water system, including, but not limited to, posting over every faucet at the water system; (3) Hand delivery of the notice to persons served by the water system; or (4) Another delivery method approved in writing by EPA. The notice shall be repeated at least once every 3 months by mail, hand delivery or posting as long as the violation exists. Respondent shall comply with any additional public notification requirements that may be established by EPA. Upon the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR violation. Respondent shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d).

- a. Respondent shall include the following mandatory health effects language in the public notice as specified in 40 C.F.R. § 141.205(d)(1), appendix B to subpart Q of part 141:

Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.

UNTIL FURTHER NOTIFIED, ALL WATER USED FOR DRINKING, BRUSHING TEETH, COOKING, MAKING ICE, WASHING DISHES, OR USED FOR HUMAN CONSUMPTION, SHALL BE BOILED FOR AT LEAST FIVE MINUTES, AT A ROLLING BOIL, BEFORE USE. ALL STORED WATER, DRINK OR ICE MADE RECENTLY FROM THIS SUPPLY SHALL BE DISCARDED.

Respondent shall continue the public notice as set forth in the paragraph above until EPA provides notification to discontinue public notice.

F. REPORTING REQUIREMENTS

1. Unless otherwise specified, all reports and notifications herein required shall be submitted to:

Olive Hofstader
US Environmental Protection Agency
Technical Enforcement Program (8ENF-W)
999 18th Street Suite 300
Denver, Colorado 80202-2466
Telephone (800)227-8917 X 6467 or (303) 312-6467
Fax (303) 312-6409
e-mail hofstader.olive@epa.gov

V. GENERAL PROVISIONS

- A. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
- B. Violation of any term of this Order instituted under section 1431(a) of the Act, 42 U.S.C. § 300i(a), may subject the Respondent to a civil penalty of not to exceed \$16,500 for each day in which such violation occurs or failure to comply continues, assessed by an appropriate U.S. District Court under section 1431(b) of the Act, 42 U.S.C. § 300i(b).
- C. Violation of any requirement of the SDWA or its implementing regulations instituted under section 1414(b), 42 U.S.C. § 300g-3(b), may subject Respondent to a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

D. The effective date of this Order shall be the date of issuance.

Issued this 1ST day of July, 2004.

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Michael T. Risner

Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

**THIS DOCUMENT WAS FILED IN THE REGIONAL HEARING CLERK'S OFFICE ON
JULY 1, 2004.**